



**OFFICE OF THE TOWN CLERK**

**Town of Arlington  
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**Juliana H. Brazile  
Town Clerk**

**ARTICLE 1**

**REPORTS OF COMMITTEES**

Majority Vote Required  
Motion: RECEIVED  
UNANIMOUS

The following reports of committees were received:

On October 17, 2023

- Finance Committee
- Finance Committee Supplemental Report
- Redevelopment Board
- Redevelopment Board Supplemental Report
- Select Board

I certify that the foregoing is a true account of the action taken under Article 1 of the Special Town Meeting on 10/17/2023.

Juliana H. Brazile  
Town Clerk



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**ARTICLE 2**

**APPROPRIATION/CONTINGENT ARLINGTON  
PUBLIC SCHOOLS EDUCATION FUNDING**

Majority Vote Required  
Motion: NO ACTION  
UNANIMOUS

That no action be taken under Article 2.

I certify that the foregoing is a true account of the action taken under Article 2 of the Special Town Meeting on 10/17/2023.

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**ARTICLE 3**

**ZONING BYLAW AMENDMENT/ADMINISTRATIVE  
CORRECTION**

Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 197 No: 1

That Section 5.9.2.C.(4): of the Zoning Bylaw be and hereby is amended as follows:

(4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or ~~Section 8.1.3.E~~, 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section ~~8.1.3.E~~ 8.1.3.D shall govern and control.

I certify that the foregoing is a true account of the action taken under Article 3 of the Special Town Meeting on 10/17/2023.

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**ARTICLE 4**

**ZONING BYLAW AMENDMENT/REDUCED HEIGHT  
BUFFER AREA**

2/3 Majority Vote Required  
Motion: NO ACTION  
ELECTRONIC VOTE  
Yes: 188 No: 3

That no action be taken on Article 4.

I certify that the foregoing is a true account of the action taken under Article 4 of the Special Town Meeting on 10/17/2023.

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**ARTICLE 5**

**ZONING BYLAW AMENDMENT/OPEN SPACE IN  
BUSINESS DISTRICTS**

2/3 Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 167 No: 53

That Sections 2, 5.3.21, 5.3.22, and 5.5.2 of the Zoning Bylaw be and hereby are amended as follows:

**Section 2: Definitions**

**Definitions Associated with Open Space**

**Open Space:** A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

**Open Space, Landscaped:** Open space designed and developed for pleasant appearances in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes – except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building. Refer to Section 5.3.22.C. for how to calculate landscaped open space.

**Open Space, Usable:** The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes – except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8% and no horizontal dimension is less than 25 feet. For newly constructed

single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C for how to calculate usable open space.

### **Section 5.3.21: Supplemental Requirements in the Business and Industrial Districts (paragraph D)**

#### **A. Screening and Buffers: Industrial and Business Districts and Parking Lots**

- (1) Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

<b>I or B District</b>	<b>Abutting R District</b>	<b>Minimum Buffer</b>
I, B5	RO through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1,B2	R0 through R5	10 ft.

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence. See Section 5.3.7 for screening and buffer requirements for Business districts, Industrial districts, and parking lots.

- (2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.
- B. **Accessory Structures.** Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.
- C. **Upper-Story Setbacks.** In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. See Section 5.3.17 for Upper Story Step Back requirements.

- D. ~~For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2(A), the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.~~

### **Section 5.3.22: Gross Floor Area**

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
- (1) Elevator shafts and stairwells on each floor;
  - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet, except as excluded in (4) below;
  - (3) Interior mezzanines;
  - (4) Penthouses;
  - (5) Basement areas except as excluded in (2) below;
  - (6) Cellars in residential uses;
  - (7) All-weather habitable porches and balconies; and
  - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the follow areas of buildings are to be excluded from the calculation of Gross Floor Area:
- (1) Areas used for accessory parking, or off-street loading purposes;
  - (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
  - (3) Open or lattice enclosed exterior fire escapes;
  - (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
  - (5) Unenclosed porches, balconies, and decks.
- C. For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space in all districts except the Business Districts are calculated based on Gross Floor Area. For calculating Usable Open Space and Landscaped Open Space in the Business Districts, see the note at the end of the B District Open Space and Lot Coverage table in Section 5.5.2.A., Tables of Dimensional and Density Regulations, in this Bylaw.

### **Section 5.5.2: Dimensional and Density Regulations**

## A. Tables of Dimensional and Density Regulations

### B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Mixed-use	20%	<del>Sec.5.3.21-</del> ---	-----
Any other permitted use	20%	<del>Sec.5.3.21-</del> ---	-----
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use	<del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----
Any other permitted use	<del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----
<b>B2A</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	25%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	<del>-----</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----
Mixed-use >20,000 sq. ft.	<del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----
Any other permitted use	<del>20%</del> <del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use <=20,000 sq. ft.	<del>-----</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----
Mixed-use >20,000 sq. ft.	<del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del> ---	-----

	Minimum/Maximum Requirement		
Any other permitted use	<del>20%</del> <u>15%</u>	<del>Sec.5.3.21-</del> <u>---</u>	-----
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	30%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	<del>---</del> <u>15%</u>	<del>Sec.5.3.21-</del>	-----
Mixed-use >20,000 sq. ft.	<del>10%</del> <u>15%</u>	<u>---</u>	-----
Any other permitted use		<del>Sec.5.3.21-</del> <u>---</u>	-----
<b>B5</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	15%	-----
Mixed-use <= 20,000 sq. ft.	<del>---</del> <u>15%</u>	<del>Sec.5.3.21-</del>	-----
Mixed-use > 20,000 sq. ft.	<del>10%</del> <u>15%</u>	<u>---</u>	-----
Any other permitted use	<del>10%</del> <u>15%</u>	( <del>20% for</del> residential use)	-----
On a lot >= 40,000 sq. ft.	<del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del>	-----
On a lot >= 80,000 sq. ft.	<del>10%</del> <u>15%</u>	<del>Sec.5.3.21-</del> <u>---</u>	-----

Note: In the Business Districts, the district dimensional requirements for Landscaped Open Space and Usable Open Space are calculated based on the lot size.

I certify that the foregoing is a true account of the action taken under Article 5 of the Special Town Meeting on 10/17/2023.

Juliana H. Brazile  
Town Clerk

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**ARTICLE 6**

**ZONING BYLAW AMENDMENT/REAR YARD  
 SETBACKS IN BUSINESS DISTRICTS**

2/3 Majority Vote Required  
 Motion: PASSED  
 ELECTRONIC VOTE  
 Yes: 173 No: 37

That Section 5.5.2 of the Zoning Bylaw be and hereby is amended as follows:

Section 5.5.2: Dimensional and Density Regulations

A. Tables of Dimensional and Density Regulations

B District Yard and Open Space Requirements

	Minimum Requirement		
District Use	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B1</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Mixed-use	20	10	<del>20</del> *
Any other permitted use	20	10	<del>20</del> *
<b>B2</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	20	10	<del>20</del> *
Mixed-use <=20,000 sq. ft.			<del>10+(L/10)</del> *
Mixed-use >20,000 sq. ft.	0	0	<del>10+(L/10)</del> *
Any other permitted use	-----	-----	<del>10+(L/10)</del> *
<b>B2A</b>			

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW ≤50 ft.	15	10+(L/10)	<del>30</del> *
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	
Mixed-use ≤20,000 sq. ft.	0	0	<del>10+(L/10)</del> *
Mixed-use >20,000 sq. ft.	0	0	<del>10+(L/10)</del> *
Any other permitted use	-----	-----	<del>10+(L/10)</del> *
<b>B3</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6	<del>(H=L)/6</del> *
Mixed-use ≤20,000 sq. ft.	0	0	<del>(H=L)/6</del> *
Mixed-use >20,000 sq. ft.	0	0	<del>(H=L)/6</del> *
Any other permitted use <20,000 sq. ft.	-----	-----	<del>(H=L)/6</del> *
Any other permitted use >20,000 sq. ft.	-----	-----	<del>(H=L)/6</del> *
<b>B4</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW ≤50 ft.	15	10+(L/10)	<del>30</del> *
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	<del>(H=L)/6 (at least 30 ft.)</del> *
Mixed-use ≤20,000 sq. ft.	0	0	<del>10+(L/10)</del> *
Mixed-use >20,000 sq. ft.	0	0	<del>10+(L/10)</del> *
Any other permitted use	-----	-----	<del>10+(L/10)</del> *
<b>B5</b>			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	<del>(H+L)/6 (at least 20 ft.)</del> *
Mixed-use ≤20,000 sq. ft.	0	0	<del>10+(L/10)</del> *
Mixed-use >20,000 sq. ft.	0	0	<del>10+(L/10)</del> *

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Any other permitted use			$(H=L)/6$ *
On a lot $\geq 40,000$ sq. ft.	-----	-----	$(H=L)/6$ *
On a lot $\geq 80,000$ sq. ft.	-----	-----	$(H=L)/6$ *

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

\* 0 feet when abutting an alley or rear right-of-way of at least 10 feet of width

\* 10 feet when abutting a non-residential district

\* 20 feet for three or fewer stories when abutting a residential district

\* 30 feet for four and more stories when abutting a residential district

\* If the rear yard abuts both a residential and non-residential district, the minimum requirement for the residential district shall apply.

I certify that the foregoing is a true account of the action taken under Article 6 of the Special Town Meeting on 10/17/2023.

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**ARTICLE 7**

**ZONING BYLAW AMENDMENT/STEP BACK  
REQUIREMENTS IN BUSINESS DISTRICTS**

2/3 Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 140 No: 60

That Sections 2, 5.3.17, and 5.3.21 of the Zoning Bylaw by and hereby are amended as follows:

Section 2. Definitions

Building Step Back: An upper Upper story building setback provided along all building elevations the entire principal façade of a building with street frontage. excluding alleys.

Section 5.3.17. Upper-Story Building Step Backs

For buildings in excess of three (3) stories in height, ~~an additional~~ a seven and one-half (7.5) foot step back (upper story building setback) shall be provided beginning at the fourth (4th) story on the entire principal façade of the building. For a building with street frontage on Massachusetts Avenue or Broadway, the principal façade and principal property line are presumed to be facing Massachusetts Avenue or Broadway, respectively, unless the Arlington Redevelopment Board determines otherwise. The upper-story step back shall be provided along all building elevations with street frontage, excluding alleys. This requirement Step back requirements shall not apply to buildings in the Industrial District.

The upper-story step back shall be measured from the principal property line for the building and may be on the fourth story or may be a combination of various story setbacks so that the fourth story is setback the required amount from the principal property line.

Section 5.3.21.C, D, and E, Supplemental Requirements in the Business and Industrial Districts

C. ~~Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. See 5.3.17 for Upper Story Step Back requirements.~~

~~D.~~ C. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2(A), the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

~~E.~~ D. Minimum side and rear yards in Industrial Districts and minimum front, side, and rear yard are not required when abutting railroad track or railroad right-of-way if railroad is utilized for loading or unloading.

I certify that the foregoing is a true account of the action taken under Article 7 of the Special Town Meeting on 10/17/2023.

Juliana H. Brazile  
Town Clerk



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**ARTICLE 8**

**ZONING BYLAW AMENDMENT/HEIGHT AND  
STORY MINIMUMS IN BUSINESS DISTRICTS**

2/3 Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 185 No: 23

That Section 5.5.2 of the Zoning Bylaw by and hereby is amended by adding Section 5.5.2.C as follows:

**5.5.2.C. Minimum Height and Story Requirements for the Business Districts**

**C. Minimum Height and Story Requirements for the Business Districts**

In the Business Districts, buildings shall be a minimum of two stories and twenty-six feet in height. Both stories shall be usable. The requirement shall not apply to single family residential buildings. The Arlington Redevelopment Board may waive or modify the minimum height and story requirement if it finds that the requirement is infeasible for the property or project.

I certify that the foregoing is a true account of the action taken under Article 8 of the Special Town Meeting on 10/17/2023.

Juliana H. Brazile  
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**ARTICLE 9**

**ZONING BYLAW AMENDMENT/CORNER LOT  
REQUIREMENTS**

2/3 Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 150 No: 49

That Section 5.3.8 of the Zoning Bylaw be and hereby is amended as follows:

**Section 5.3.8: Corner Lots and Through Lots**

- A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots, except in the Business Districts a corner lot shall have the minimum street yards with depth for its front and side yard as required by the front and side yard setback requirements, as applicable, for the district in which it is located.

I certify that the foregoing is a true account of the action taken under Article 9 of the Special Town Meeting on 10/17/2023.

Juliana H. Brazile  
Town Clerk



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### ARTICLE 10

### ZONING BYLAW AMENDMENT/STREET TREES

2/3 Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 187 No: 10

That Sections 6.3.2, 6.3.3, and 6.3.4 of the Zoning Bylaw be and hereby are amended as follows:

#### 6.3.2. Applicability

In the Business, Residential, and Multi-Family Housing Overlay Districts, new construction, additions over 50% of the existing footprint, or redevelopment ~~subject to review by the Arlington Redevelopment Board~~ shall provide one public shade tree every 25 linear feet of lot frontage along the public way where there is not already a public shade tree.

#### 6.3.3. Administration

- A. This Section 6.3 shall be administered subject to Sections 3.3, Special Permits, ~~and 3.4, Environmental Design Review, and Site Plan Review, as applicable,~~ by the Arlington Redevelopment Board. It shall be administered by the Zoning Board of Appeals for projects under its review. It shall be administered by the Department of Planning and Community Development if the project is not subject to review by the Redevelopment Board or Zoning Board of Appeals.
- B. ~~After the effective date of this Bylaw,~~ Public shade trees shall be provided for any applicable use above ~~and subject to Section 3.4, Environmental Design Review,~~ and in accordance with the Standards established in this Section 6.3.

#### 6.3.4. Standards

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.

- D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Redevelopment Board may designate. Properties in which there are preexisting public shade trees at the required spacing along the public way are exempt.
- E. Where there is no other suitable location within the public way, shade trees may be proposed in locations within the lot, or in exceptional circumstances the Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may allow the owner to make a financial contribution to the Arlington Tree Fund. The Department of Planning and Community Development may make such allowance for projects not subject to review by the Redevelopment Board or Zoning Board of Appeals.

The Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses. The Department of Planning and Community Development may grant such increases for projects not subject to review by the Redevelopment Board or Zoning Board of Appeals

I certify that the foregoing is a true account of the action taken under Article 10 of the Special Town Meeting on 10/19/2023.

Juliana H. Brazile  
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**ARTICLE 11**

**ZONING BYLAW AMENDMENT/RESIDENTIAL  
USES IN BUSINESS DISTRICTS**

2/3 Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 161 No: 39

That Sections 5.5.1 and 5.5.3 of the Zoning Bylaw be and hereby are amended as follows:

Section 5.5.1. Districts and Purposes

- A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include ~~one and two~~ three-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

Section 5.5.3. Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Single-family detached dwelling	¥	¥	¥	¥	¥	¥
Two-family dwelling, duplex dwelling	¥	¥	¥	¥	¥	¥

I certify that the foregoing is a true account of the action taken under Article 11 of the Special Town Meeting on 10/19/2023.

Juliana H. Brazile  
Town Clerk



**OFFICE OF THE TOWN CLERK**

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**ARTICLE 12**

**ZONING BYLAW AMENDMENT/MBTA  
COMMUNITIES OVERLAY DISTRICT**

Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 189 No: 35

The language reflects amendments to the original motion

That Sections 2 and 5 of the Zoning Bylaw be and hereby are amended as follows:

Section 2: Definitions

Add the following definition:

As of Right Development: A development that may proceed under this Bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. It may, however, be subject to site plan review.

Add the following definition to the Definitions Associated with Dwelling:

Multi-family Housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building, excluding Accessory Dwelling Units.

Add the following definition:

Overlay District: A zoning district that is applied over one or more previously established zoning districts. An Overlay District may establish additional or alternative requirements for properties in the Overlay District that are different than the requirements in the underlying zoning district.

Add the following definition:

Site Plan Review: A process established by this Bylaw by which the Arlington Redevelopment Board reviews and potentially imposes conditions on an As of Right Development that may include, but not be limited to, matters such as vehicle access and circulation on a site, architectural design of a building, and screening of adjacent properties, prior to the issuance of a building permit.

## Section 5: District Regulations

Renumber Section 5.9 as Section 5.10 and add a new Section 5.9 as follows:

### Section 5.9 Multi-Family Housing Overlay Districts Established Under Massachusetts General Laws Chapter 40A, Section 3A

#### 5.9.1. Multi-Family Housing Overlay Districts

- A. The Multi-Family Housing Overlay Districts consist of two districts: the Massachusetts Avenue/Broadway Multi-Family (MBMF) Overlay District and the Neighborhood Multi-Family (NMF) Overlay District.
- B. The MBMF and NMF Overlay Districts do not replace existing underlying zoning districts but are superimposed over them. The provisions of Section 5.9 of this Bylaw apply to developments on parcels located within the MBMF and NMF Overlay Districts when the property owner has elected to comply with the requirements of the MBMF Overlay District or NMF Overlay District, as applicable, rather than comply with those of the existing underlying zoning district. In other words, a development may comply with either the existing underlying zoning or the zoning for the applicable Overlay District, but not both on the same parcel or parcels.
- C. If a proposed development is located on a parcel or parcels within both the MBMF and the NMF Overlay Districts, the provisions of the MBMF Overlay District shall apply to the property in the MBMF Overlay District and for a maximum of one parcel depth into the NMF Overlay District. If a proposed development is located on a parcel or parcels only partially within the MBMF or NMF Overlay Districts, the provisions of the existing underlying zoning shall apply and not of the Overlay Districts.

#### 5.9.2. Purposes

The purposes of the Multi-Family Housing Overlay Districts are:

- A. To respond to the local and regional need for housing by enabling development of a variety of housing types,
- B. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements,
- C. To promote multi-family housing near retail services, offices, civic, and personal service uses, thus helping to ensure pedestrian-friendly development by allowing higher density housing in areas that are walkable to shopping and local services,
- D. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation,
- E. To encourage environmental and climate protection sensitive development,
- F. To encourage economic investment in the redevelopment of properties,

- G. To encourage residential uses to provide a customer base for local businesses, and
- H. To ensure compliance with MGL c. 40A § 3A.

### 5.9.3 Site Plan Review

Development under Section 5.9 of this Bylaw requires Site Plan Review by the Arlington Redevelopment Board (ARB). The ARB shall provide site plan review for projects using the Environmental Design Review standards set forth in Section 3.4.4. of this Bylaw, the Residential Design Guidelines, and other Guidelines that may be adopted. Site plan review may include, but not be limited to, site layout, including lighting, landscaping and buffers, architectural style, outdoor amenities, and open spaces. All site plan reviews applicable to developments under Section 5.9 shall be consistent with the purposes of Section 5.9 and with MGL c.40A § 3A, and any Compliance Guidelines issued thereunder, as amended.

### 5.9.4. Development Standards

- A. Development meeting the requirements of Section 5.9 of this Bylaw is As of Right Development, subject to Site Plan Review as set forth in Section 5.9.3 of this Bylaw.
- B. Development under Section 5.9 of this Bylaw shall be only Multi-family Housing except for the mixed-use bonus option in Section 5.9.4.E.(1) of this Bylaw.
- C. Accessory uses for residential uses are permitted to the same extent they would be allowed in the underlying district.
- D. Dimensional Requirements

The requirements of Section 5.3 of this Bylaw that are applicable in all districts, including the requirements in Section 5.3.17 for Upper-Story Building Step Backs, are applicable in the Multi-Family Overlay Districts except to the extent that they are specifically modified by Section 5.9 of this Bylaw.

The dimensional requirements of Section 5.3 of this Bylaw and the tables of dimensional and density regulations of this Bylaw are modified as follows for developments under Section 5.9 of this Bylaw:

- 1) Section 5.3.1 Lot Area Per Dwelling Unit does not apply.
- 2) Section 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
- 3) Section 5.3.8 Corner Lots and Through Lots does not apply.
- 4) Section 5.3.11 Dimensional Requirements for Courts does not apply.
- 5) Section 5.3.12(A) Traffic Visibility Across Street Corners applies only in the NMF Overlay District.
- 6) Section 5.3.14 Townhouse Structures does not apply.
- 7) Section 5.3.19 Height Buffer Area shall apply to six-story high buildings only.

- 8) There are no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
- 9) Section 5.3.10 Average Setback Exception to Minimum Front Yard: All R Districts, shall be applied in the NMF District.
- 10) Except as noted in Section 5.9.4.E. Bonuses, the dimensional requirements are as follows:

<b><u>District</u></b>	<b><u>MBMF on Mass Ave</u></b>	<b><u>MBMF on Broadway</u></b>	<b><u>NMF</u></b>
<u>Max Height in Stories</u>	<u>4</u>	<u>4</u>	<u>3</u>
<u>Max Height in Feet</u>	<u>52'</u>	<u>52'</u>	<u>35'</u>
<u>Minimum Front Yard Setback</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<u>Minimum Side Yard Setback</u>	<u>5' each side</u>	<u>5' each side</u>	<u>Each side: minimum 5'; sum of two sides: minimum 20'</u>
<u>Minimum Rear Yard Setback</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>

Required minimum front yard setback areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, art, or similar features. No parking spaces are allowed in the required minimum front yard setback.

#### E. Bonuses

- 1) In the MBMF Overlay District, for properties abutting Massachusetts Avenue, where the ground floor at street level will be at least 60% occupied by eating and drinking establishments, businesses services, childcare, or retail uses, there are no residential units on the ground floor at street level, the second floor may be at least 40% occupied by eating and drinking establishments, businesses services, childcare, health, business, professional, or medical services, and the frontage on the ground floor is at least 80% occupied by said non-residential uses, the maximum height is 6 stories and 78 feet, and the front yard setback requirement is reduced to 0 feet. In the MBMF Overlay District, for properties abutting Broadway, where the ground floor at street level will be at least 60% occupied by eating and drinking establishments, businesses services, childcare, or retail uses, there are no residential units on the ground floor at street level, and the frontage is at least 80% occupied by said non-residential uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0 feet.
- 2) In the MBMF Overlay District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 22.5% of all units. In the MBMF Overlay District for properties facing Massachusetts Avenue, a second additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements of this Bylaw for a total of at least 25% of all units.
- 3) In the MBMF Overlay District, one additional story may be added for projects that are

minimum LEED Gold certified or equivalent level of an alternate green building standard reviewed and approved by the Redevelopment Board.

- 4) The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF Overlay District on Massachusetts Avenue, 5 stories, 65 feet in the MBMF Overlay District on Broadway, and 3 stories, 35 feet in the NMF Overlay District.

F. Off-Street Parking and Bicycle Parking

- 1) The off-street parking requirements and procedures of Sections 6.1 to 6.1.11 of this Bylaw shall apply in the MBMF and NMF Overlay Districts except:
  - a. up to 50% of parking spaces may be sized for compact cars (as described in Section 6.1.11. Parking and Loading Space Standards) and
  - b. No off-street parking is required for non-residential uses.
- 2) Developments in the MBMF and NMF Overlay Districts are encouraged to consider providing fewer parking spaces under the provisions of Section 6.1.5. of this Bylaw, Parking Reduction in Business, Industrial, and Multi-Family Residential Zones, which shall apply in the MBMF and NMF Overlay Districts.
- 3) The bicycle parking requirements and procedures set forth in Section 6.1.12 shall apply in the MBMF and NMF Overlay Districts.

G. Affordable Housing

Section 8.2 of this Bylaw, Affordable Housing Requirements, shall apply to any development under Section 5.9 of this Bylaw containing six or more dwelling units. Until the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) approves using the requirements of Section 8.2 for housing built under Section 5.9 of this Bylaw, the affordability requirements are those allowed in the EOHLC Compliance Guidelines for Chapter 40A, Section 3A: that ten percent of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue.

H. Solar Energy Systems

The requirements and procedures of Section 6.4 of this Bylaw, Solar Energy Systems, shall apply in the MBMF Overlay District, with Site Plan Review in the place of Environmental Design Review.

I. Signs

For Section 6.2 of this Bylaw, Signs, the Multi-Family Housing Overlay Districts are placed in these sign districts:

- 1) The NMF Overlay District is in the Residential Sign District.
- 2) The MBMF Overlay District is in the Residential/Business Sign District if the building is solely residential.

The MBMF Overlay District is in the Business Sign District if the building is mixed-use

I certify that the foregoing is a true account of the action taken under Article 12 of the Special Town Meeting on 10/25/2023.

Juliana H. Brazile  
Town Clerk



**OFFICE OF THE TOWN CLERK**

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**Juliana H. Brazile  
Town Clerk**

**ARTICLE 13**

**ZONING BYLAW AMENDMENT/MBTA  
COMMUNITIES ACT NEIGHBORHOOD DISTRICTS**

2/3 Majority Vote Required  
Motion: NO ACTION  
DECLARED MAJORITY

That no action be taken on Article 13.

I certify that the foregoing is a true account of the action taken under Article 13 of the Special Town Meeting on 10/19/2023.

Juliana H. Brazile  
Town Clerk



“Specialized Energy Code” – Codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

“Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

## Section B. Purpose

This Bylaw is adopted by the Town of Arlington, pursuant to “Act Driving Clean Energy and Offshore Wind” (St. 2022, c. 179, § 84) and 225 CMR 24.00, also referred to as the Fossil Fuel-Free Demonstration, the purpose of which is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free in the interests of protecting health, safety, and the natural environment and reducing air pollution and greenhouse gas emissions, which cause climate change, thereby threatening the Town and its inhabitants. This bylaw is intended to work in conjunction with the Specialized Stretch Code, adopted by the 2023 Arlington Town Meeting and incorporated into Title VI Art. 3 of the Town Bylaws as well as the Town’s “Net Zero” goals.

## Section C. Applicability

1. The requirements of this bylaw apply to residential and non-residential buildings that qualify as New Construction or Major Renovation.
2. The requirements of this bylaw shall not apply to:
  - a. Research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.00.
  - b. Multi-family buildings over 12,000 square feet with permit applications filed prior to January 1, 2027, that utilize gas or propane for domestic water heating as the only combustion equipment.
  - c. Utility service piping connecting the grid to a meter, or to a gas meter itself.
  - d. Piping required to fuel backup electrical generators.
  - e. Portable propane appliances for outdoor cooking and heating.
  - f. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, so long as new fossil fuel piping is not installed.
  - g. Repairs of any existing portions of a fuel piping system deemed unsafe or

dangerous by the Plumbing and Gas Fitting Inspector.

#### Section D. Fossil Fuel-Free Demonstration

The Fossil Fuel-Free Demonstration, as codified by the entirety of 225 CMR 24.00, is herein incorporated by reference into Title VI, Article 3 of the Town of Arlington General Bylaws.

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code (codified in Title VI Article 3 of the Town Bylaws) are adopted. These changes are enforceable by the Building Inspector and will go into effect for any project seeking a permit after the Effective Date.

1. Low-rise Residential Code (225 CMR 22 Appendix RC)
  - a. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.
2. Commercial and All Other (225 CMR 23 Appendix CC)
  - a. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, with the following exceptions:
    - i. Research laboratories for scientific or medical research,
    - ii. Hospitals regulated by the department of public health as a health care facility,
    - iii. Medical offices regulated by the department of public health as a health care facility,
    - iv. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027, may utilize gas or propane for domestic water heating as the only combustion equipment.
3. Equipment or appliances used for space heating, service water heating, cooking, clothes drying, and/or lighting that can utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels may not be installed as part of any residential or non-residential Major Renovation, with the exception of C(2)(a – g) and D(2)(a)(i – iv) above. All Major Renovations associated with C(2)(a – g) and D(2)(a)(i – iv) must follow applicable stretch code requirements.

#### Section E. Waivers

1. In the event that compliance with the provisions of this bylaw makes a project financially infeasible or impractical to implement, the Building Inspector may grant a waiver subject to reasonable conditions. Where appropriate, such waivers shall be issued narrowly for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Article. Waiver requests shall be supported by a detailed cost comparison, inclusive of available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans. Particular consideration for waivers will be given to projects sponsored by non-profit or government-sponsored affordable housing entities.

2. Guidance regarding the granting of waivers and prescription of conditions shall be provided by the Select Board prior to the Effective Date and periodically extended or amended in the light of experience and changing circumstances.

Notwithstanding the foregoing, Compliance with this bylaw may be considered financially infeasible if:

- a. As a result of factors beyond the control of the proponent the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; and/or
  - b. If technological or other factors would make the project unsuitable for its intended purpose.
3. The Building Inspector's decision with respect to the granting of a waiver, the scope thereof, and any conditions prescribed, shall be appealable to the Town Manager in accordance with procedures established by the Town Manager.

#### Section F. Appeals

The Town Manager shall hear appeals from decisions by the Building Inspector on the applicability of this bylaw under section C in accordance with such procedural rules as may be adopted from time to time by the Town Manager

I certify that the foregoing is a true account of the action taken under Article 14 of the Special Town Meeting on 10/19/2023.

Juliana H. Brazile  
Town Clerk



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**ARTICLE 15**

**COLLECTIVE BARGAINING**

Majority Vote Required  
Motion: PASSED  
ELECTRONIC VOTE  
Yes: 175 No: 18

That the sum of \$477,003 be transferred from the existing salary reserve to the following FY24 departmental budget for FY24 pay for the FY22, FY23 and FY24 retroactive compensation for settlement of the Arlington Police Patrol Officers' Association (APPOA) contract:

Department	Total
Police	\$477,003
	\$477,003

and that the sum of \$126,909 be transferred from the existing salary reserve to the following FY24 departmental budget as indicated in this table for settlement of the APPOA contract:

Department	Total
Police	\$126,909
	\$126,909

AND FURTHER VOTED That the Town hereby ratifies the following financial items in the collective bargaining agreements and memoranda of agreement with the following enumerated collective bargaining units and hereby approves the following financial items relating to:

**A. Arlington Police Patrol Officers' Association (APPOA):**

1. A one and-a-half percent (1.5%) wage increase effective July 1, 2021, to be paid as a retroactive payment to all union members employed by the town as of May 23, 2023, including those who retired between July 1, 2021 and the time of union ratification.
2. A two percent (2%) wage increase effective July 1, 2022, to be paid as a retroactive payment to all union members employed by the town as of May 23, 2023 including those who retired between July 1, 2021 and the time of union ratification.
3. A two percent (2%) wage increase effective July 1, 2023, to be paid as a retroactive payment to all union members employed by the town as of May 23, 2023 including those who retired between July 1, 2021 and the time of union ratification.

4. A four percent (4%) market adjustment to all covered positions effective July 1, 2023, to be paid as retroactive payment to all union members employed by the town as of May 23, 2023, including those who retired between July 1, 2021 and the time of union ratification.
5. An increase from 4.8% to 5% (a .2 increase) to the 3-year step and an increase from 1% to 3% (a 2% increase) to the 7-year and 10-year steps effective July 1, 2022 to be paid as a retroactive payment to all union members employed by the town as of May 23, 2023 including those who retired between July 1, 2022 and the time of union ratification.
6. A 2% wage increase upon agreement of a Body Worn Camera policy.
7. Recognition of Juneteenth as a holiday.

I certify that the foregoing is a true account of the action taken under Article 15 of the Special Town Meeting on 10/19/2023.

Juliana H. Brazile  
Town Clerk